

REMARKS

Applicants respectfully request reconsideration of the rejection of this application as examined pursuant to the office action of August 4, 2005. In the office action, Claims 1-39 were examined.

Claims 21-39 were allowed. Claims 1-5, 7-12, and 16-20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of co-pending Application No. 11/016,358 assigned to the assignee of the present application. Claim 1 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of co-pending Application No. 11/017,415 assigned to the assignee of the present application. Claims 6 and 13-15 were objected to as being made dependent upon provisionally rejected claims.

The Provisional Double Patenting Rejections

In response to the provisional rejection of Claims 1-5, 7-12, and 16-20 as being unpatentable over claims of co-pending Application No. 11/016,358, Applicants submit herewith a Terminal Disclaimer. Under the Terminal Disclaimer, Applicants request that any patent issuing on the subject application will have a termination date corresponding to that of any patent issuing on the identified pending application.

In view of the filing of the Terminal Disclaimer, Applicants respectfully suggest that the provisional rejection of pending Claims 1-5, 7-12, and 16-20 for double patenting has been successfully traversed. Withdrawal of that rejection is therefore requested.

In response to the provisional rejection of Claim 1 as being unpatentable over claims of co-pending Application No. 11/017,415, Applicants submit herewith a Terminal Disclaimer. Under the Terminal Disclaimer, Applicants request that any patent issuing on the subject application will have a termination date corresponding to that of any patent issuing on the identified pending application.

In view of the filing of the Terminal Disclaimer, Applicants respectfully suggest that the provisional rejection of pending Claim 1 for double patenting has been successfully traversed. Withdrawal of that rejection is therefore requested.

Applicants have used two separate standard Terminal Disclaimer forms, PTO/SB/25, one for each of the co-pending applications cited in the office action. The two application numbers

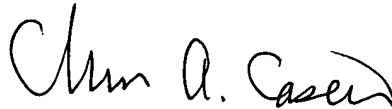
did not fit on a single form. It is Applicants' representative's understanding that since the two Terminal Disclaimers are directed to a single instant application, only a single Terminal Disclaimer fee under 37 C.F.R. § 1.20(d) is required, pursuant to a telephone conversation on August 26, 2005, with the examiner.

Applicants respectfully note that the present application and the two applications referenced in the provisional rejection of the identified claims are owned by a common assignee as established in the records of the Office. Specifically, the assignment of the present application to assignee Vortech, Inc. has been recorded at Reel 014516, beginning at Frame 0347. The assignment of Application No. 11/016,358 to assignee Vortech, Inc. has been recorded at Reel 015507, beginning at Frame 0141. Finally, the assignment of Application No. 11/017,415 to assignee Vortech, Inc. has been recorded at Reel 015761, beginning at frame 0286.

CONCLUSION

In view of the foregoing remarks, Applicants suggest that the present application is in condition for allowance, and a notice to this effect is respectfully requested. No new claims have been added by this amendment. Therefore, no additional filing fee is required. The fee of \$130 due under 37 CFR § 1.20(d) for the filing of the Terminal Disclaimer is submitted herewith.

Respectfully submitted,

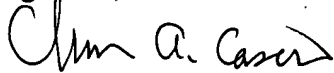
A handwritten signature in black ink, appearing to read "Chris A. Caseiro".

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Certificate of Mailing By Express Mail

I hereby certify that this correspondence is being transmitted to Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on August 26, 2005, in an envelope deposited with the United States Postal Service using the Express Mail service pursuant to 37 C.F.R. § 1.10(a), Express Mail label no.

ER337517255 US. It is hereby requested that this filing be assigned a filing date of August 26, 2005.

A handwritten signature in black ink, appearing to read "Chris A. Caseiro", written over a horizontal line.

Chris A. Caseiro